

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1017
SENATE BILL 759

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
FRANKLINVILLE AND TO REPEAL PRIOR LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Franklinville is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF FRANKLINVILLE.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. Incorporation. The Town of Franklinville, North Carolina, in the County of Randolph, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Franklinville' hereinafter at times referred to as the 'Town'.

"Sec. 1.2. Powers. The Town of Franklinville shall have and may exercise all of the powers, duties, rights, privileges and immunities which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of Franklinville specifically, or upon municipal corporations generally, by this Charter, by the North Carolina Constitution, or by general or local law.

"Sec. 1.3. Corporate Limits. The corporate limits of the Town of Franklinville shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the Town, and as the same may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the Town shall be made, and copies shall be filed in the offices of the Secretary of State, the Randolph County Register of Deeds and the appropriate board of elections.

"ARTICLE II. MAYOR AND BOARD OF COMMISSIONERS.

"Sec. 2.1. Governing Body. The Mayor and Board of Commissioners, hereinafter referred to at times as the 'Board', elected and constituted as herein set forth, shall be the governing body of the Town. On behalf of the Town, and in conformity with the general laws of North Carolina, hereinafter referred to at times as the 'general law', the Mayor and the Board may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Sec. 2.2. Board of Commissioners; Composition; Terms of Office. The Board shall be composed of five members, each of whom shall be elected for a term of four years in

the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

"Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of two years, or until his or her successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board. He shall have the right to vote only when there is an equal number of votes in the affirmative and the negative on any question or matter before the Board. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred by the general law, this Charter and the ordinances of the Town.

"Sec. 2.4 Mayor Pro Tempore. In accordance with applicable general law, the Board shall appoint one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the other members of the Board.

"Sec. 2.5. Meetings of the Board. In accordance with the general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held in accordance with the applicable provisions of the general law.

"Sec. 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, and proving of Town ordinances and resolutions shall be in accordance with the applicable provisions of general law not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board.

"Sec. 2.7. Voting Requirements; Quorum. Official actions of the Board and all votes shall be taken in accordance with the applicable voting and quorum provisions of general law, particularly G.S. 160A-74 and G.S. 160A-75.

"Sec. 2.8. Qualifications for Office; Vacancies; Compensation. The compensation of Board members, the filling of vacancies on the Board and the qualifications of Commissioners shall be in accordance with applicable provisions of general law.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. Regular Municipal Elections; Conduct and Method of Elections. Regular municipal elections shall be held in the Town every two years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and Commissioners shall be elected by the voters of the Town on an at-large basis, by the nonpartisan plurality method of election.

"Sec. 3.2. Election of the Commissioners. The Commissioners serving on the date of ratification of this Charter may continue to serve until expiration of their terms, or until their successors are elected and qualified. Four-year staggered terms for Commissioners shall be implemented in 1985. In the regular municipal election to be held in 1985, the three candidates who receive the highest number of votes shall be elected to serve four-year terms, while the two candidates who receive the next highest number of votes shall be elected for two-year terms. Beginning with the regular municipal election to be held in 1987, and every four years thereafter, two Commissioners shall be elected to serve

four-year terms. Beginning with the regular municipal election to be held in 1989, and every four years thereafter, three Commissioners shall be elected to serve four-year terms.

"Sec. 3.3. Election of the Mayor. The Mayor serving on the date of ratification of this Charter may continue to serve until the expiration of his or her term, or until a successor is elected and qualified. At the regular municipal election in 1985, and every two years thereafter, there shall be elected a Mayor to serve as provided in Article II of this Charter.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. Form of Government. The Town shall operate under the Mayor-Council form of government, in accordance with Part 3, Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. Town Clerk. The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain in a safe place all records and documents pertaining to the affairs of the Town, to be the chief administrative official for the Town, and to perform such other duties as may be required by law or as the Board may direct.

"Sec. 4.3. Town Tax Collector. The Board shall appoint a Town Tax Collector to collect all taxes, licenses, fees and other monies owed to the Town, subject to the applicable provisions of general law, this Charter and the ordinances of the Town. The Tax Collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes by municipalities.

"Sec. 4.4. Town Attorney. The Board shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Board of Commissioners and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Board; and to perform other duties required by law or as the Board may direct.

"Sec. 4.5. Other Administrative Officers and Employees. Consistent with applicable general law, the Board shall appoint a Budget Officer and a Treasurer, and may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the Town government in order to promote the orderly and efficient administration of the affairs of the Town."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Franklinville and to consolidate herein certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

- (1) Any acts concerning the property, affairs, or government of public schools in the Town of Franklinville.
- (2) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act, are hereby repealed:

Chapter 200, Private Laws of 1844-47 (1847) Chapter 320, Private Laws of 1850-51 (1851) Chapter 264, Private Laws of 1854-55 (1855) Chapter 1, Private Laws of 1866-67 (1867) Chapter 91, Private Laws of 1874-75 (1875)

Chapter 122, Public-Local Laws of 1911 Order of Municipal Board of Control Incorporating the Town of Franklinville, dated December 19, 1917 Chapter 163, Session Laws of 1969.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

- (1) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act.
- (2) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

- (1) The repeal herein of any act repealing such law, or
- (2) Any provision of this act which disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. All existing ordinances and resolutions of the Town of Franklinville and all existing rules or regulations of departments or agencies of the Town of Franklinville not inconsistent with the provisions of this act shall continue in full force and effect until repealed, modified or amended.

Sec. 8. No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Franklinville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed, superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.